

Docket No.: WBC 7403US

Date: January 10, 2003

In re application of: Leo A. Whiteside

Serial No.: 09/595,352

Group No.: 8952

Filed: June 15, 2000

Examiner:

For: ACETABULAR COMPONENT WITH IMPROVED LINER SEAL AND LOCK

Box No Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

St. Louis, Missouri

Sir:

Transmitted herewith is:

☒ A supplemental paper in the above-identified application in response to the Office
Action filed December 13, 2002;

☐ A Petition For Extension of Time for months .

☒ No additional fee is required.

Small Entity Status:

☒ Applicant claims small entity status.

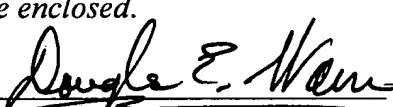
☐ Applicant DOES NOT claim small entity status.

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TECHNOLOGY CENTER R3700

The Commissioner is hereby authorized to charge any additional fees or credit overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account 162201. *Duplicate copies of this sheet are enclosed.*


Douglas E. Warren
Registration No: 52,344



PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Leo A. Whiteside
SERIAL NO.: 09/595,352
FILED: June 15, 2000
EXAMINER: Bruce E. Snow
DOCKET NO.: WBC 7403US
GROUP ART UNIT: 3738
FOR: Acetabular Component With
Improved Liner Seal and Lock

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on January 10, 2003.

Douglas E. Warren,
Reg. No. 52,344

1-10-03

Date of Signature

Commissioner of Patents
Washington, DC 20231

January 10, 2003
St. Louis, Missouri

**SUPPLEMENTAL PAPER IN RESPONSE TO
THE EXAMINER'S ACTION MAILED DECEMBER 13, 2002**

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TECHNOLOGY CENTER R3700

Sir:

This communication is in response to the Examiner's action mailed December 13, 2002. In that action, the Examiner indicated that Amendment C dated September 25, 2002¹ proposed amendments to Claims 10, 11, 12, and 13 that do not comply with 37 CFR 1.173(b). The Examiner indicated that a supplemental paper correctly amending these claims in the reissue application is

¹ The Examiner's action shows the date of the amendment as "9/25/01," however, we believe the correct date of the amendment in question is 9/25/02.

required. Applicant submits herewith a supplemental paper as requested by the Examiner.

A January 9, 2003 phone call to Examiner Bruce Snow and Examiner Corrine McDermott indicated the marked up version of the amendments to Claims 10 - 13 were not correct because these four claims are new claims in relation to the issued patent and thus the entire claim must be underlined, not just the changes to these new claims that have occurred during the prosecution of the present reissue application.

In response to this information, the following version of Claims 10 - 13 are provided.

Please note that marked up versions of Claims 10, 11, 12, and 13 are included although only Claims 10, 12, and 13 were amended in Amendment C. Claim 11 was amended in Amendment B and our review of that amendment indicates the marked up version of Claim 11 therein may have suffered from the same deficiencies as the marked up Claims 10, 12, and 13 in Amendment C. Also, there was a typographical error in Claim 10 in that the word "in" was missing between the words "disposed" and "said," and that error is also corrected in the attached marked up version of Claim 11. Therefore, in the interest of completeness and accuracy, marked up versions of all Claims 10, 11, 12, and 13 are included in this supplemental paper.

7 10 A prosthesis comprising:

a shell having at least one screw hole formed therein and a smooth inner
sealing surface;

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a liner configured to seat within said smooth inner surface of said shell,

said liner including at least one circumferential peripheral annular seal flexibly and sealingly engaging said smooth inner sealing surface of said shell to restrict migration of debris toward said at least one screw hole;

said shell having a plurality of peripheral notches therein; and

said liner having a plurality of tabs extending outwardly from the liner with each tab being received in a respective one of said notches in said shell, each said notch having a pair of inwardly projecting lips to grasp its respective said tab.

621 B ~~11~~ ⁷ ~~10~~ The prosthesis of claim ~~10~~ wherein with said tabs so disposed in said notches, micromotion of said liner within said shell is inhibited.

10 ~~12~~ A component for an orthopedic joint replacement system, said component comprising a metal shell adapted to be affixed to a bony structure within the human body by means of bone screws, said shell having one or more holes therein for reception of said bone screws and an inner surface, a liner of a suitable synthetic resin material adapted to fit closely within said inner surface of said shell, said liner constituting a bearing surface for another component of said joint replacement system, said liner having at least one flexible seal extending outwardly from said liner for sealing engagement with said inner surface of said shell around the entire liner so as to prevent the migration of joint fluid and debris from said joint to said screw holes, said seal being configured so as to flex upon insertion of said liner into said shell after said shell has been affixed to said bony

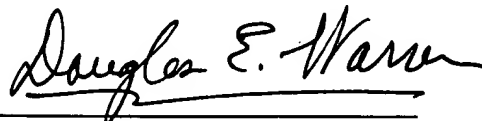
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structure by said bone screws, said liner further having a lock separate from said seal, said lock comprising a plurality of notches in an upper peripheral edge of said shell and a plurality of tabs, at least one notch for each said tab, said tabs extending outwardly from said liner and being adapted to be received in said notches upon installation of said liner into said shell, each said notch having a pair of inwardly sloping sidewalls cooperating with said tabs so as to substantially inhibit micro motion between said liner and said shell.

9 ~~13~~ ⁷ The prosthesis of claim ~~10~~ ⁷ wherein each of said tabs has a rounded surface and an flat surface, wherein said rounded surfaces bear on the base of said recess and wherein said lips engage said flat surface of said tabs as the tabs are received within said notches.

In view of the foregoing, entry of these amendments, withdrawal of the rejection of Claims 10 -13, and a formal notice of allowance of Claims 10 - 13 are requested. If for any reason the application is not held to be allowable, entry of these amendments for the purpose of appeal is hereby requested.

Respectfully submitted,



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